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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

COLUMBIA PICTURES INDUSTRIES,
INC., et al.,

Plaintiffs.

V.

GARY FUNG, et al.

Defendants.

Case No. CV 06-5578-SVW (JCx)

**STIPULATION RE BRIEFING AND
HEARING SCHEDULE FOR
PLAINTIFFS' MOTIONS FOR
SUMMARY JUDGMENT (DKT.
NOS. 561-566)**

WHEREAS, Plaintiffs filed a Motion for Summary Judgment on Willful and Innocent Infringement Under 17 U.S.C. § 504(C)(2) on August 23, 2013 (Dkt. Nos. 561-563), and a Motion for Summary Judgment on Affirmative Defenses of Fair Use and Failure to Mitigate on August 26, 2013 (Dkt. Nos. 564-566) (collectively,

1 the "Motions"), which were noticed to be heard on by the Court on September 23,
2 2013;

3 WHEREAS, because Monday September 2, 2013, is Labor Day and thus a
4 Court holiday, under the Local Rules, Defendants would be required to respond to
5 one of the Motions on Friday, August 30, 2013, *i.e.*, less than a full-week from the
6 date the Motion was filed and served;

7 WHEREAS, for one of the Motions, Defendants have asserted that there was
8 an insufficient conference of counsel under Local Rule 7-3, an assertion which
9 Plaintiffs dispute; and

10 WHEREAS, the parties wish to provide for a briefing and hearing schedule
11 that allows the Motions to be heard as quickly as reasonably possible, while
12 providing Defendants with additional time for briefing and resolving any issue
13 regarding Local Rule 7-3;

14 NOW, THEREFORE, subject to the Court's approval, the parties hereby
15 STIPULATE and AGREE that:

16 1. Defendants shall have until Friday, **September 6, 2013**, to respond to
17 the Motions and Plaintiffs shall have until Monday, **September 16, 2013** to reply.

18 2. The Motions shall be heard by the Court on Monday, **September 30,**
19 **2013**, at 1:30pm, or as soon thereafter as the Court so orders.

20 3. Defendants shall not assert or argue non-compliance with Local Rule 7-
21 3 as to either of the Motions. Defendants do not waive any other arguments.

22 4. Defendants shall not assert or argue that the one-week adjournment of
23 the proposed hearing date, from September 23 to September 30, 2013, is a basis for
24 an adjournment of the November 5, 2013 trial date.

25 Dated: August 27, 2013
26

27 By: /s/ Steven B. Fabrizio
28 Steven B. Fabrizio

By: /s/ Jennifer A. Golinveaux
Jennifer A. Golinveaux

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16 *Attorneys for Defendants*

17 I, Steven B. Fabrizio, attest that all other signatories listed, and on whose behalf the
filing is submitted, concur in the filing's content and have authorized the filing.

18 /s/ Steven B. Fabrizio

19 Steven B. Fabrizio

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